

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**JOSEPH HENSLEY,**

**Plaintiff,**

**v.**

**GOVERNOR TOM WOLF, et al,**

**Defendants.**

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**Case No. 3:22-cv-150**

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on September 9, 2022. The matter was assigned and later referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Plaintiff, an inmate incarcerated within the State Correctional system, brings this civil rights action against multiple Defendants. Plaintiff alleges that Defendants violated his First Amendment right to be free from unlawful retaliation by engaging in a campaign of “intimidation” in response to a prior federal lawsuit he filed. In response to the complaint, Defendants McCaulley, Bainey, and Vicklund moved for dismissal. ECF No. 48.

On July 19, 2024, Judge Lanzillo issued a Report and Recommendation recommending that the motion to dismiss be granted in part and denied in part. ECF No. 58. Despite being given the opportunity to do so, neither party has filed objections to the Report and Recommendation.<sup>1</sup>

Regardless of whether timely objections are made, district courts may accept, reject, or

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<sup>1</sup> Plaintiff has filed a document entitled “Objection” which details an incident at SCI Houtzdale on July 5, 2024, and is unrelated to the Report and Recommendation. *See* ECF No. 62.

modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2). After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 12th day of August 2024;

IT IS ORDERED that the motion to dismiss [ECF No. 45] is granted in part and denied in part. Defendants' motion is denied with respect to Hensley's claim that Defendants directed Weaver to assault him in response to his prior lawsuit, but is granted in all other respects.

AND IT IS FURTHER ORDERED that the report and recommendation of Chief Magistrate Judge Lanzillo, issued on July 19, 2024 [ECF No. 58] is adopted as the opinion of the court.

/s/ Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
United States District Judge